

REMARKS

Claims 6-9, 17-20, and 24-26 are all the claims pending in the present application, new claims 25 and 26 having been added as indicated herein. The Examiner applies essentially the same prior art that has previously been used to reject some of the claims. Specifically, claims 6, 7, and 24 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Hwang (WO 00/74275). Claim 8 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hwang in view of Bluetooth specifications (XP-002214950), hereinafter referred to as *Bluetooth*. Claim 9 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hwang in view of Rinchiuso (U.S. Patent Application Publication No. 2002/0090004). Claim 17 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hwang in view of Jokinen (U.S. Patent No. 6,266,330). Finally, claim 19 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hwang and Jokinen, and further in view of *Bluetooth*.

§ 102(b) Rejections (Hwang) - Claims 6, 7, and 24

Claims 6, 7, and 24 are rejected based on the reasons set forth on pages 2-4 of the Office Action.

With respect to independent claim 6, Applicant submits that Hwang does not disclose or suggest at least, “a controller arranged to obtain a number of transmittable frequency channels of the counterpart wireless communication apparatus that the wireless communication apparatus intends to communicate with, by transmitting data to the counterpart wireless communication apparatus through a plurality of frequency channels and determining whether the counterpart wireless communication apparatus receives the data in the respective channels,” as recited in claim 6. The Examiner cites page 8, lines 18-27, of Hwang as allegedly satisfying the above-

quoted feature of claim 6. The cited portion of Hwang describes the channel construction of a base station. Specifically, the cited portion describes the operations of the controller 101, the pilot channel generator 103, the sync channel generator 104, the short sync channel generator 105, and the paging channel generator 106 of the base station in Fig. 1 of Hwang. The Examiner alleges that the controller 101 processes messages received on a forward dedicated control channel. However, even if, *arguendo*, the controller 101 performs the functions alleged by the Examiner, nowhere is it taught or suggested that a number of transmittable channels of a counterpart wireless communication apparatus is obtained by transmitting data to the counterpart wireless apparatus through a plurality of frequency channels. Further, at the bottom of page 2 of the Office Action, the Examiner alleges that the message processed by the controller 101 indicates the number of supplemental channels required by the counterpart wireless apparatus. This assertion by the Examiner is not supported anywhere in Hwang. Accordingly, the Examiner has apparently utilized impermissible hindsight reasoning in concluding that the messages discussed in Hwang indicate a number of supplemental channels required. Since the above-quoted feature of claim 6 is not taught or suggested by Hwang, Applicant submits that Hwang does not anticipate claim 6.

Applicant submits that claim 7 is patentable at least by virtue of its dependencies from independent claim 6.

Applicant submits that independent claim 24 is patentable at least based on reasons similar to those set forth above with respect to claim 6.

§ 103(a) Rejection (Hwang /Bluetooth) - Claim 8

Applicant submits that dependent claim 8 is patentable at least by virtue of its dependency from independent claim 6. *Bluetooth* fails to make up for the deficiencies of Hwang.

§ 103(a) Rejections (Hwang /Jokinen) - Claims 17 and 20

Applicant submits that independent claim 17 is patentable at least based on reasons similar to those set forth above with respect to claim 6. Jokinen fails to make up for the deficiencies of Hwang.

Applicant submits that dependent claims 18 and 20 are patentable at least by virtue of their dependency from claim 17.

§ 103(a) Rejection (Hwang /Jokinen/Bluetooth) - Claim 19

Applicant submits that dependent claim 19 is patentable at least based by virtue of its dependency from independent claim 17. *Bluetooth* fails to make up for the deficiencies of the other references.

Finally, Applicant adds new claims 25 and 26 to provide a varying scope of coverage. Applicant submits that these new claims are patentable at least by virtue of their respective dependencies.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 10/003,417

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

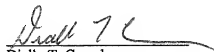
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